

Subject: Re: CPRA request (LAATTY.2019.12.19.b)

From: [REDACTED]

Date: 12/23/19, 7:13 PM

To: "Bethelwel Wilson" <bethelwel.wilson@lacity.org>

CC: "Frank Mateljan" <frank.mateljan@lacity.org>

Good evening, Mr. Wilson!

And thank you for your prompt response.

Please reconsider these broad exemption claims.

First of all, none of this info can be attorney work product since it's neither prepared by an attorney nor submitted to an attorney for the purpose of seeking legal advice.

Secondly, it's not investigative because it's the basis on which someone decides whether or not to begin an investigation. These forms are analogous to calls for service to the police, which are records universally acknowledged to be free of defensible exemption claims.

Third, while I will concede that there may be a colorable argument with respect to your 6255(a) claim regarding the identities of members of the public who complain, you can fix this right up by redacting the identities of the complainants.

Finally, your claim that the public interest in "preserving of the integrity of investigations by law enforcement outweighs the public interest in disclosure" is not only not true, but even if it were true it wouldn't be sufficient to allow the records to be withheld. The statute, as you know, requires that the public interest in withholding *clearly* outweigh the public interest in release.

I will argue that not only does the one fail to *clearly* outweigh the other, but it doesn't even dimly, murkily, or obscurely outweigh it. It does not outweigh it. It is outweighed by it. The public interest in understanding what you all are up to out there with respect to these nuisance actions is so high that it pretty much outweighs every possible counterweighting interest.

Not only that, but your claim that there's any public interest in "preserving the integrity of [these particular] investigations" assumes a fact not in evidence, namely that the investigations have integrity. There's good circumstantial evidence that many of them do not, and surely you can see that, even if they're all just chock

full of integrity, the public interest in settling the question as to their baseline integrity level is cosmically high and would thereby outweigh any counterbalancing interest claims.

I hope you will reconsider and produce these records. Everyone, of course, is going on vacation soon, and you'll need time to consider. Shall we say that if I don't hear back from you with a definite promise to produce by January 17, 2020, I will proceed as if the City of Los Angeles has explicitly denied me access to these records.

Thanks, as always, for your help, and I hope your holidays are blessed and safe.

[REDACTED]

On Mon, Dec 23, 2019, at 6:52 PM, Bethelwel Wilson wrote:

Hello [REDACTED]

The City has documents responsive to your request; however, the documents are exempt from disclosure pursuant to the exemptions in Government Code sections 6254(f) (investigative), 6254(k) [attorney work-product under Code Civ. Proc. section 2018.030(a)], and 6255(a) [the public interest in encouraging the public to report nuisance properties anonymously and the public interest in preserving of the integrity of investigations by law enforcement outweigh the public interest in disclosure].

Regards,

On Thu, Dec 19, 2019 at 4:11 PM [REDACTED] wrote:

Good afternoon, Mr. Wilson!

Today I am seeking all filled-in copies of the attached form from 2018 and 2019.

thanks!

[REDACTED]

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Bethelwel Wilson
Deputy City Attorney
General Counsel Division
Los Angeles City Attorney's Office